IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 184 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/01/2005 in WP NO : 24898 OF 2004 on the file of the High Court.)

Between:

1 R. Swamy Reddy, S/o Chinna Hussain Reddy,
r/o Velguda Village and Mandal, Kurnool District.
2 Ambala Srinivas Reddy, S/o A. Nagi Reddy,
r/o Velguda Village and Mandal, Kurnool District.

..... APPELLANTS

AND

1 The Joint Collector,Kurnool.
2 The Mandal Revenue Officer, Veloguda Village and Mandal, Kurnool District.
3 The Superintending Engineer, Telugu Ganga Project,Nandyal,
Kurnool District.

.....RESPONDENTS

Counsel for the Appellants : MR. O. MANOHAR REDDY FOR MR.A.JAYA SANKARA REDDY

Counsel for the Respondents: GP FOR ASSIGNMENT.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1 . Appellants are aggrieved by the order of the learned single Judge dismissing the writ petition. Appellants lands were acquired for construction of Velugodu Balancing Reservoir, Velugodu, Kurnool District. Subsequently it appears that when petitioners felt that the land has not been utilized for the purpose of Velugodu Balancing Reservoir, they applied for re-conveying the land to them. Their representation was duly considered by the Joint Collector & Additional District Magistrate, Kurnool, on being got in touch with the Superintending Engineer, Telugu Ganga Project, Circle Nandyal, who in his

report stated that the land was acquired for Velugodu Balancing Reservoir up to 500 Mts. on down stream of the toe of the dam. The land was acquired as per the needs and safety of the earth dam. Though the land was lying vacant from the point of view of the villagers, the same cannot be re-conveyed to the original pattadars since there is a stipulation made by the Chief Engineer, Central Designs Organization, who approved the drawings, that the soil on down stream of Velugodu Balancing Reservoir should not be removed up to 500 Mts. from the toe of the dam. Any alienation of these lands will deprive the department to protect the reservoir up to 500 Mts. Accordingly Joint Collector, Kurnool, directed Mandal Revenue Officer, Velugodu, not to lease out the land by issuing temporary permission to any beneficiary over the acquired land pertaining to the Irrigation Department. Mandal Revenue Officer was also asked to furnish a copy of Adangal extract for the Fasli 1412 showing the details of Telugu Ganga Project lands for taking necessary action against the concerned Panchayat Secretaries and Revenue staff having allowed such encroachments without eviction.

2. Learned single Judge dismissed the writ petition of the appellants on the ground that they had no right to have the land re-conveyed to them. However, learned single Judge did not go into the second prayer, by which the petitioners – appellants had prayed that direction be issued to the respondents not to assign or grant even temporary permission in favour of third parties.

3. This prayer which the petitioners sought is on the basis of the direction of the Joint Collector issued to the Mandal Revenue Officer and in our view learned single Judge ought to have at least issued such direction, failing which, according to the appellants, the Mandal Revenue Officer may permit the land to be encroached upon or give it on temporary lease. Therefore, we allow the appeal, set aside the impugned order and allow the writ petition with direction to the respondents to ensure that no part of the land in question is assigned or give it either on temporary or permanent lease to any person and to ensure that no encroachment is made on the land in question. In case

any encroachment is made, the same will be removed within two months from the date of receipt of a copy of this judgment from this Court. No costs.

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DEVINDER GUPTA. C.J.,

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B. SESHASAYANA REDDY. J.,

Dated: 14.02.2005.

VRK.

To

1 The Joint Collector, Kurnool.
2 The Mandal Revenue Officer, Veloguda Village and
Mandal, Kurnool District.
3 The Superintending Engineer, Telugu Ganga
Project, Nandyal,
Kurnool District.

4. Two CCs to G.P. for Assignment, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

W.A.NO. 184 OF 2005.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 14.02.2005.

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